

LUCAS COUNTY COMMON PLEAS COURT

CORNER ADAMS & ERIE STREETS
TOLEDO, OHIO 43604

SUMMONS
CIVIL ACTION

FILING TYPE:

OTHER TORT

KJAM LLC
STEVE ROGERS FORD
THOMAS R FUREY REGISTERED AGENT
2255 W LASKEY RD PO BOX 5760
TOLEDO, OH 43613

G-4801-CI-0201701839-000
JUDGE: LINDA J JENNINGS

You have the right to seek legal counsel. If you cannot afford a lawyer, you may contact the Legal Services of Northwest Ohio. If you do not qualify for services by the Legal Services of Northwest Ohio and do not know an attorney you may contact the Toledo Bar Association's Lawyer Referral Service (419) 242-2000.

You have been named as a defendant in a Complaint filed in this Court by the plaintiff named below. A copy of the Complaint is attached to this Summons.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he has no attorney of record, a copy of an answer to the complaint, within twenty-eight (28) days after you receive this Summons, exclusive of the day of service or to an amended complaint within the remaining response time to the complaint or 14 days, whichever period may be longer. Your answer must be filed with the Clerk of Court of Common Pleas within three (3) days after the service of a copy of the Answer on the plaintiff's attorney.

If you fail to serve and file your Answer, judgment by default will be rendered against you for the relief demanded in the Complaint.

PLAINTIFF (S)

ROBERT E KOBY
11644 STATE ROUTE 34
BRYAN, OH 43506

ATTORNEY FOR PLAINTIFF(S)

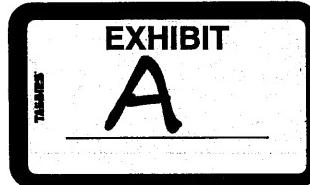
PAUL H DUGGAN
1426 EAST HIGH ST
BRYAN, OH 43506

BERNIE QUILTER
CLERK OF COURTS

Date: March 08, 2017



Clerk



FILED
LUCAS COUNTY

ORIGINAL

2011 MAR -1 A 9:12

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Robert E. Koby
11644 State Route 34
Bryan, OH 43506,

Plaintiff,

vs.

KJAM LLC
DBA: Steve Rogers Ford
Thomas R. Furey, Registered Agent
2255 W. Laskey Road
Post Office Box 5760
Toledo, OH 43613,

Defendant.

Case | G-4801-CI-0201701839-000
Judge
LINDA J. JENNINGS

Judge

COMPLAINT WITH JURY DEMAND
ENDORSED HEREON

Paul H. Duggan (0062559)
DUGGAN LAW OFFICE CO., LPA
1426 East High Street
Bryan, Ohio 43506
Telephone: (419) 636-2999
Telecopier: (419) 636-3499
bryanohio@gmail.com

Attorney for Plaintiff
Robert E. Koby

Now comes the Plaintiff, Robert E. Koby, by and through his undersigned attorney, and for his Complaint states as follows:

FIRST CAUSE OF ACTION

1. Plaintiff is, and at all times mentioned was, a resident of Williams County, Ohio.

2. Defendant, KJAM LLC (hereinafter referred to as Steve Rogers Ford), is a limited liability corporation doing business as Steve Rogers Ford with its principal place of business at 9760 State Route 64, Waterville, Lucas County, Ohio.

3. Venue is proper as 29 USC §216(b) provides that: [a]n action to recover the liability prescribed * * * may be maintained against any employer in any Federal or State court of competent jurisdiction * * * .

4. Defendant, Steve Rogers Ford, is an employer subject to the provisions of the Fair Labor Standards Act (hereinafter referred to as FLSA), 29 USC §201 et seq., and other applicable laws.

5. Plaintiff, Robert E. Koby, was employed as a service writer from on or about June 2013 until his termination on Thursday, January 5, 2017, with Steve Rogers Ford of Waterville, Lucas County, Ohio.

6. As a service writer, the Plaintiff, Robert E. Koby, was required and directed by his employer to evaluate customers' repairs and maintenance needs, suggest services, write up estimates, and follow-up to suggest further repairs and maintenance.

7. Plaintiff, Robert E. Koby, requested on several occasions to be paid his last paycheck and for the overtime hours referred to above, and the Defendant denied each of these requests.

8. Defendant, Steve Rogers Ford, failed to provide to Plaintiff, Robert E. Koby, his last paycheck after he was terminated January 5, 2017 in violation of the provisions of the FLSA.

SECOND CAUSE OF ACTION

9. Plaintiff, Robert E. Koby, realleges and reaffirms paragraphs 1 through 8 as though fully set forth verbatim herein.

10. Plaintiff, Robert E. Koby, states the Defendant, Steve Rogers Ford, willfully failed to compensate him for overtime hours during the term of his employment, in violation of the FLSA.

WHEREFORE, Plaintiff, Robert E. Koby, demands:

1. Judgment against Defendant, Steve Rogers Ford, for the reasonable value of the unpaid wages for services rendered to the Defendant; and,

2. Judgment against Defendant, Steve Rogers Ford, for the reasonable value of the overtime services rendered to the Defendant, and an additional equal amount as liquidated damages pursuant to 29 USC §216(b); and,

3. Reasonable attorney fees and the costs of this action pursuant to 29 USC §216(b); and,

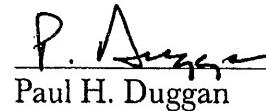
4. For a total claim in excess of Twenty-Five Thousand (\$25,000) Dollars; and for such other and further relief in favor of Plaintiff that this Court deems just and proper



Paul H. Duggan (0062559)
DUGGAN LAW OFFICE CO., LPA.
1426 East High Street
Bryan, Ohio 43506
Telephone: 419-636-2999
Facsimile: 419-636-3499
bryanolio@gmail.com

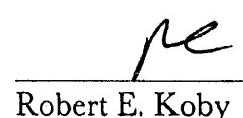
JURY DEMAND

The Plaintiff, Robert E. Koby, hereby demands trial by jury on all counts of his complaint.


Paul H. Duggan

CONSENT OF PARTY PLAINTIFF

Now comes the Plaintiff, Robert E. Koby, and hereby provides written consent to be a party to this action, pursuant to 29 U.S.C. §216 (b).


Robert E. Koby

**LUCAS COUNTY COMMON PLEAS COURT
CASE DESIGNATION**

TO: **Bernie Quilter, Clerk of Courts**

CASE NO.

G-4801-CI-0201701839-000

Judge

LINDA J. JENNINGS

JUDGE

The following type of case is being filed:

- Professional Malpractice
- Legal Malpractice (L)
- Medical Malpractice (M)

Product Liability (B)**Other Tort (C)****Workers' Compensation**

- State Funded (D)
- Self Insured (K)

Administrative Appeal (F)**Commercial Docket**

By submitting the complaint, with the signature of the Attorney, the Attorney affirms that the name of person with settlement authority and his/her direct phone number will be provided upon request to a party or counsel in this matter

Other Civil

- | | |
|---|---|
| <input type="checkbox"/> Consumer Fraud (N) | <input type="checkbox"/> Forfeiture |
| <input type="checkbox"/> Appropriation (P) | <input type="checkbox"/> Court Ordered |
| <input type="checkbox"/> Other Civil (H) | <input type="checkbox"/> Certificate of Title |
| <input type="checkbox"/> Copyright Infringement (W) | |

This case was previously dismissed pursuant to CIVIL RULE 41 and is to be assigned to Judge N/A, the original Judge at the time of dismissal. The previously filed case number was CI N/A.

This case is a Declaratory Judgment case with a personal injury or related case currently pending. The pending case number is N/A, assigned to Judge N/A.

This case is to be reviewed for consolidation in accordance with Local Rule 5.02 as a companion or related case. This designation sheet will be sent by the Clerk of Courts to the newly assigned Judge for review with the Judge who has the companion or related case with the lowest case number. The Judge who would receive the consolidated case may accept or deny consolidation of the case. Both Judges will sign this designation sheet to indicate the action taken. If the Judge with the lowest case number agrees to accept, the reassignment of the case by the Administration Judge shall be processed. If there is a disagreement between the Judges regarding consolidation, the matter may be referred to the Administrative Judge.

Related/companion case number N/A Assigned Judge N/A

Approve/Deny	Date	Approve/Deny	Date
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Attorney

PAUL DUGGANP. Duggan

Address

1426 E. HIGH ST.

Telephone

BRYAN, OH 43506419-636-2999

ORIGINAL

FILED
LUCAS COUNTY

2017 MAR -1 A 9:11

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

Robert E. Koby,

Plaintiff,

vs.

KJAM LLC
d/b/a Steve Rogers Ford,

Defendant.

G-4801-CI-0201701839-000

Judge
LINDA J. JENNINGS

Judge:

PLAINTIFF'S FIRST SET OF
INTERROGATORIES, REQUESTS
OF ADMISSIONS, AND
REQUESTS FOR PRODUCTION
OF DOCUMENTS PROPOUNDED
TO DEFENDANT, KJAM LLC,
d/b/a STEVE ROGERS FORD

TO: Steve Rogers, Dealer

The following Interrogatories, requests of admissions, and requests for production of documents are submitted herewith to you pursuant to Ohio Rules of Civil Procedure 26, 33, 34, and 36, to be answered in writing, under oath. Plaintiff requests Defendant to produce and permit Plaintiff and his attorney to copy any and all of the following documents and things. Plaintiff requests the production for inspection and copying be made in the law office of Paul H. Duggan, at 1426 East High Street, Bryan, Ohio, within twenty-eight (28) days after the service of this request.

INSTRUCTIONS

1. All information is to be divulged which is in your possession or control or within the possession or control of your attorneys, investigators, agents or other representatives of you or your attorney.
2. Where an interrogatory calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.
3. You are reminded that all answers must be made separately and fully and that an incomplete or evasive answer is the equivalent of a failure to answer.
4. You are under a continuing duty to seasonably supplement your response(s) with respect to any question directly addressed to the identity and location of person(s) having knowledge of discoverable matters, the identity of any person(s) expected to be called as an expert witness at trial and the subject matter on which he is expected to testify, and to correct any response(s) which you know or later learn to be incorrect.
5. The requested documents should be provided simultaneously with your answers and responses to these interrogatories and document requests.

INTERROGATORIES

1. State the full name, address, and job title of the person answering these interrogatories.

ANSWER:

2. State the name and address of each person whom you expect to call as an expert witness at trial, the subject matter on which each expert is expected to testify, the substance of the facts and opinions to which such expert is expected to testify and a summary of the grounds for each such opinion.

ANSWER:

3. Please provide the names and addresses of all other persons employed as service manager at Steve Rogers Ford since January 2014.

ANSWER:

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSIONS NO. 1

Admit that the Plaintiff, Robert E. Koby, was employed by Steve Rogers Ford from on or about June 2013 until Thursday, January 5, 2017.

Response:

REQUEST FOR ADMISSIONS NO. 2

Admit that the Plaintiff, Robert E. Koby, was employed as a service manager and required and directed to: evaluate customers' repair and maintenance needs, suggest services, write up estimates, and follow-up to suggest further repairs and maintenance.

Response:

REQUEST FOR ADMISSIONS NO. 3

Admit that Steve Rogers Ford failed to pay to Plaintiff, Robert E. Koby, his last paycheck after he was terminated on Thursday, January 5, 2017.

Response:

REQUEST FOR ADMISSIONS NO. 4

Admit that Steve Rogers Ford failed to pay to Plaintiff, Robert E. Koby, any overtime during the course of his employment.

Response:

REQUEST FOR ADMISSIONS NO. 5

Admit that the Plaintiff, Robert E. Koby, made a written request for his last paycheck and unpaid overtime compensation.

Response:

PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1 Please provide a wage transcript for Plaintiff, Robert E. Koby, which summarizes all paychecks paid since January 1, 2014; including amounts of any deductions for taxes, insurance, or other reason; the gross and net amounts paid; the rate of pay; the hours employed; and the amounts of any overtime paid.

RESPONSE:

Respectfully submitted,


Paul H. Duggan (0062559)
Attorney for Plaintiff
Duggan Law Office Co., L.P.A.
1426 East High Street
Bryan, Ohio 43506
(419) 636-2999 Office
(419) 636-3499 Fax
bryanohio@gmail.com

CERTIFICATION

This is to certify that a copy of the foregoing Interrogatories, Requests of Admissions, and Requests for Production of Documents has been filed with Plaintiff's Complaint and delivered together therewith at the time of service.



Paul H. Duggan

STATE OF OHIO

COUNTY OF LUCAS

} SS. VERIFICATION

STEVE ROGERS, being first duly sworn according to law, deposes and says that he has read the foregoing Answers to Interrogatories, Requests for Admissions, and Requests for Production of Documents and that they are true to the best of his knowledge.

X _____
STEVE ROGERS

Sworn to before me by Steve Rogers, and subscribed in my presence this _____ day
of _____, 2017.

NOTARY PUBLIC